


TECHNICAL MEMORANDUM

Utah Coal Regulatory Program

January 31, 2007

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TO: Internal File

THRU: Pamela Grubaugh-Littig, Permit Supervisor 

FROM: Priscilla Burton, CPSSc, Environmental Scientist III/Team Lead *PWB by ar*

RE: Post Mining Land Use Change, PacifiCorp, Des-Bee-Dove Mine, C/015/0017,
Task ID #2727

SUMMARY:

The information provided meets the requirements of the Regulations to support a post mining land use change for **20 acres of federal and 7 acres of state land** within the 36 acre disturbed area to wildlife, grazing, recreation and industrial/commercial and a post mining land use change for the remaining 9 acres of fee land to wildlife, grazing and recreation.

Post mining land use change (PMLU) for the Des Bee Dove permit area was first received on August 11, 2006. Federal gas lease lease UTU-075667 that includes lands in Section 26 of T 17 S R 7 E brought about this request for PMLU change. In response to the Division's comments of task review 2606, the Permittee has revised the application to include grazing, wildlife and recreation as a post mining land use for fee lands and to include all the above plus industrial/commercial as a post mining land use for state and federal lands. (This information was received by the Division on December 20, 2007 and arrived at the Price Field Office on January 10, 2007.)

There are 36.22 acres of surface disturbed land at the Des Bee Dove mine. These disturbed lands are within T17 S R 7 E, Sec 25 and 26. The application describes the wildlife/grazing and recreational use of the disturbed lands. The industrial commercial post mining land use is assured as there have been both state and federal oil and gas leases issued in the permit area. For example, the August 11, 2006 application provided documentation of a pending 0.9 acre XTO drill site in SW ¼ SW ¼ Sec 25.

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TECHNICAL ANALYSIS:

GENERAL CONTENTS

RIGHT OF ENTRY

Regulatory Reference: 30 CFR 778.15; R645-301-114

Analysis:

The Des Bee Dove Mine permit area is described in the Legal Financial Volume. Figure 1 of the MRP provides a schematic of the permit area. Since that drawing was made, the federal lease SL-066116 has been fully relinquished and 490 acres of federal lease U-02664 have been relinquished.

Though federal coal lease U-02664, PacifiCorp holds right of entry to 1,430 acres in Sections 14, 23, 24 and 26 in T. 17 S., R. 7 E. PacifiCorp owns 1,000 acres of land in Sec 11, 14, 23, and 26 of the same Township and Range. However, the August 29, 2005 Permit documents an area of 154.86 acres as shown on the Permit Area Boundary Map 1-5, Dwg # CM-10658-DS. Access to the mine site was acquired through a U.S. Forest Service Special Use Permit through Sec. 25. The Forest Service Special Use permit includes 100.41 acres of federal lands in Sec 25 and 26. A Bureau of Land Management right of way U-57134 and State right of way #3137 and Surface Use Lease Agreement (SULA) #1195 allow access to and use of land for the sediment pond in Sec 36.

Findings:

The information provided meets the requirements of the Regulations.

PERMIT TERM

Regulatory References: 30 CFR 778.17; R645-301-116.

Analysis:

The permit was last re-issued in August 2005 for a 154.86-acre permit area.

Findings:

PUBLIC NOTICE AND COMMENT

Regulatory References: 30 CFR 778.21; 30 CFR 773.13; R645-300-120; R645-301-117.200.

Analysis:

A notice of post-mining land use change for the entire permit area ran in the Emery County Progress Sept. 12, 19, 26 and October 3, 2006. The public notice included all lands within the permit area.

Findings:

The information in the application meets the requirements for public notice.

ENVIRONMENTAL RESOURCE INFORMATION

Regulatory Reference: Pub. L 95-87 Sections 507(b), 508(a), and 516(b); 30 CFR 783., et. al.

PERMIT AREA

Regulatory Requirements: 30 CFR 783.12; R645-301-521.

Analysis:

Map 1-5 shows the permit area and also differentiates between federal, fee and state ownership.

There are 36.22 disturbed acres within the permit area (Ex A of the Reclamation Agreement). [The disturbed acreage is erroneously reported as 23.88 acres in the Division's Inspection Report form.] Within the disturbed area, there are 29 acres at the main mine site, 7 acres at the sediment pond, and .02 acres disturbed by remote portals. The application indicates that **29 acres main mine site is further divided into 19.8 acres federal and 9.1 acres of fee (privately held land).**

The permit area has been reduced to 154.86 acres down from 1,430 acres in June 2001 and down from 2,760 acres in the September 2000 permit (see Legal Financial Volume).

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Findings:

Information provided meets the requirements of the Coal Mining Rules.

OPERATION PLAN

RECLAMATION PLAN

POSTMINING LAND USES

Regulatory Reference: 30 CFR Sec. 784.15, 784.200, 785.16, 817.133; R645-301-412, -301-413, -301-414, -302-270, -302-271, -302-272, -302-273, -302-274, -302-275.

Analysis:

The “Buzzard Bench” gas field includes lands in T17 S, R 7 E Sec 25, Sec 26, and 36, but **excludes privately held lands in T17 S, R 7 E Sec 26.**

XTO Energy Inc. holds UTU-75666 a federal gas lease that includes lands in Sec 25 and the federal gas lease UTU-75667 that includes the lands in Sec 26 of T17 S, R 7 E. XTO’s Application to Drill (APD) indicates that a gas well will be located in the SW ¼ SW ¼ Sec 25, on surface managed by the Manti-LaSal National Forest, the same location as the reclaimed access road to the mine site within the disturbed area. In accordance with federal lease UTU-75667, there is also a potential for well development in the NESE Sec 26 (within the current disturbed area boundary). XTO also holds a state mineral lease ML-45567 for the NW ¼ Sec 36 T17 S, R 7 E. All of the above information demonstrates a strong likelihood of industrial/commercial development on state and federal lands within the permit area. Therefore, the 19.8 acres of federal and 7 acres of state land is recommended for a change in post mining land use to industrial/commercial, as there is a reasonable likelihood of achieving this post mining land use.

The fee lands are not included in either state or federal mineral leases. This application describes a post mining land use change for 9.1 acres of fee land to include recreation as well as the current wildlife and grazing uses. The MRP Vo. 2. Part 4 pp 4-42 – 4-44 described the use of a trail that has been established for the livestock and recreational use.

Findings:

The information provided meets the requirements of the Regulations to support a post mining land use change for **19.8 acres of federal and 7 acres of state land** within the 36 acre disturbed area to commercial/industrial use. The remainder of the disturbed acreage is fee land where the post mining land uses of wildlife, grazing and recreation have been established.

RECOMMENDATIONS:

The Division should approve the amendment.